

Image AF/2878

TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
4629

In Re Application Of: Carroll et al.

Serial No.
09/782,089

Filing Date
February 12, 2001

Examiner
Daniel St Cyr

Group Art Unit
2878

Title: Automated Reactor Endpointing of Platy Interference Effect Pigments

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Resubmitted appeal brief (in triplicate), Reponse to Notification of Non-Compliance, copy of Notification of Non-Compliance

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☒ The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. **502156** as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of _____
- ☐ Credit any overpayment.
- ☒ Charge any additional fee required.


Signature

Dated: January 28, 2004

Law Office of Stuart D. Frenkel, P.C.
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Suite 330
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Telephone: (703) 246-9641
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I certify that this document and fee is being deposited on January 28, 2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.


Signature of Person Mailing Correspondence

Stuart D. Frenkel

Typed or Printed Name of Person Mailing Correspondence

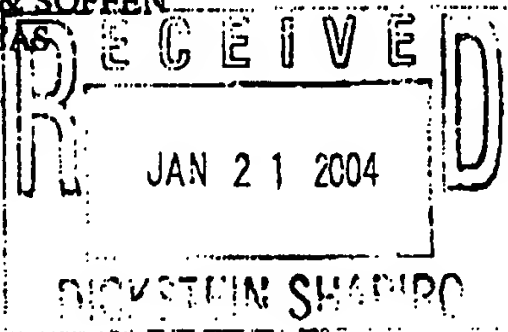
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,089	02/12/2001	James B. Carroll JR.	P/12-816 4629	9721
2352	7590	01/12/2004	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			ART UNIT	PAPER NUMBER



DATE MAILED: 01/12/2004

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LAW OFFICE

Please find below and/or attached an Office communication concerning this application or proceeding.

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PATENT DEPARTMENT

DSMO FILE NO. E0012.0816
DUE: Transfer to
C/L: Client
ENTERED BY: Sian
ATTY: FAM

Docketed 1/27/04 by DF
Response due 2/12/04
Non-Compliant Appeal Brief
Attorney MLB

OFGS FILE No.	P/12-816
<u>Transfer to</u>	
<u>DSMO</u>	
PATENTS ORDERED <u>AW</u>	

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GERB & SOFFEN

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**Notification of Non-Compliance
With 37 CFR 1.192(c)**

Application No.

09/782,089

Applicant(s)

CARROLL ET AL

Examiner

Daniel St.Cyr

Art Unit

2876

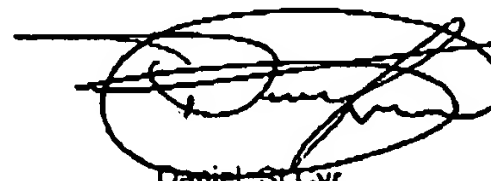
--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 17 October 2003 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

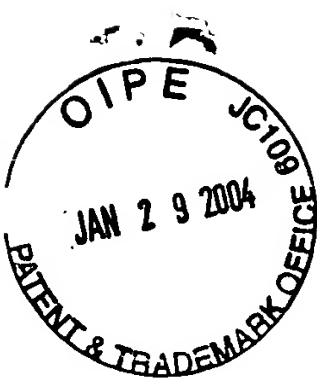
To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three TIME PERIODS: (1) ONE MONTH or THIRTY DAYS from the mailing date of this Notification, whichever is longer; (2) TWO MONTHS from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☒ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☒ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☒ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

It is not clear as to how many groups of claims exist in the grouping of the claims. There is no copy of the claims involved in the appeal.



Daniel St.Cyr
Primary Examiner
Art Unit 2876



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Carroll et al.	Group Art Unit: 2878
Serial No.: 09/782,089	Examiner: Daniel St Cyr
Filed: February 12, 2001	
Title: <i>Automated Reactor Endpoint of Platy Interference Effect Pigment</i>	Atty. Docket No.: 4629

RESPONSE TO NOTIFICATION OF NON-COMPLIANCE

Commissioner of Patents
and Trademarks
PO Box 1450
Alexandria, VA 22313-1450

With respect to the Notification of Non-Compliance mailed January 12, 2004, applicants present herein a replacement Appeal Brief.

With respect to paragraph 6 of the Notification, the grouping of claims has now been restated. Accordingly, 8 groups of claims have now been set forth as being separately patentable.

With respect to paragraph 7 that the brief does not contain an argument under a separate heading for each issue of appeal, appellants respectfully disagree. The Examiner will kindly note that the argument relative to the first issue on appeal starts and is set out at the bottom of page 5 of the Appeal Brief, whereas the second argument

for the second issue on appeal begins at the middle of page 8 of the Appeal Brief. In a telephone conversation held between the undersigned attorney and Examiner St. Cyr on January 28, 2004, the Examiner agreed that the argument was properly separated.

With respect to paragraph 8, that the brief did not contain a correct copy of the appealed claims, appellants are resending pages 11 and 12 of the Appeal Brief, which originally set forth the claims on appeal. Page 11 has been re-headed as "Appendix of Claims."

With respect to paragraph 9, it is believed that the rewriting of the grouping of claims has corrected the problem.

Jan 28, 2004
Date

Respectfully submitted,

Stuart D. Frenkel

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